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6 *Attorneys for Plaintiff / Counterdefendant /
Counterclaimant Soilworks, LLC*

7

8 **UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 SOILWORKS, LLC, an Arizona
corporation,

NO.: 2:06-CV-2141-DGC

11 Plaintiff / Counterdefendant /
12 Counterclaimant,

13 **PLAINTIFF'S PROPOSED FORM OF**
14 **VERDICT**

15 v.

16 MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

17 Defendant / Counterclaimant /
18 Counterdefendant.

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

Plaintiff / Counterdefendant /
Counterclaimant,

V.

VERDICT

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Plaintiff Soilworks' claim of false advertising against Defendant Midwest, we find in favor of Plaintiff Soilworks, LLC.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

**Plaintiff / Counterdefendant /
Counterclaimant,**

V.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

VERDICT

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Plaintiff Soilworks' claim of false advertising against Defendant Midwest, we find in favor of Defendant Midwest.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

Plaintiff / Counterdefendant /
Counterclaimant,

V.

VERDICT

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claim that Soilworks has engaged in false advertising by referring to itself as a manufacturer, we find in favor of Plaintiff Soilworks, LLC.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

**Plaintiff / Counterdefendant /
Counterclaimant,**

V.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

VERDICT

Defendant / Counterclaimant / Counterdefendant.

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claim that Soilworks has engaged in false advertising by referring to itself as a manufacturer, we find in favor of Defendant Midwest.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

Plaintiff / Counterdefendant /
Counterclaimant,

V.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

VERDICT

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claim that it has been damaged by Soilworks' use of the term "soil
segment," we find in favor of Soilworks, and find Midwest's damages to be zero dollars.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

**Plaintiff / Counterdefendant /
Counterclaimant,**

V.

VERDICT

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claim that it has been damaged by Soilworks' use of the term "soil
segment," we find in favor of Midwest, and find Midwest's full damages to be \$_____.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

**Plaintiff / Counterdefendant /
Counterclaimant,**

V.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

VERDICT

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claims of infringement of its "266" and "270" patents, we find in favor of Soilworks, LLC.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

NO.: 2:06-CV-2141-DGC

**Plaintiff / Counterdefendant /
Counterclaimant,**

VERDICT

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

**Defendant / Counterclaimant /
Counterdefendant.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find as follows:

On Midwest's claims of infringement of its "266" and "270" patents, we find in favor of Midwest, and find its full damages to be \$.

Juror 1

Juror 7

Juror 2

Juror 8

Juror 3

Juror 9

Juror 4

Juror 10

Juror 5

Juror 11

Juror 6

Foreperson

1 Respectfully submitted on this 9th day of January, 2009.

2 KUTAK ROCK LLP

3 By _____ /s E. Scott Dosek

4 E. Scott Dosek, Esq.

5 John P. Passarelli, Esq.

6 8601 North Scottsdale Road #300

7 Scottsdale, AZ 85253-2742

8 *Attorneys for Plaintiff Soilworks, LLC*

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2 **CERTIFICATE OF SERVICE**
3
4
5
6

7 I hereby certify that on January 9, 2009, the foregoing **PLAINTIFF'S PROPOSED**
8 **FORM OF VERDICT** was filed electronically. Notice of this filing will be sent to all
9 parties by operations of the Court's electronic filing system. Parties may access this filing
10 through the Court's system.
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10 _____
11 /s Amy S. Fletcher
12 Amy S. Fletcher
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